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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,700	07/24/2003	Shinya Taguchi	116678	9945

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EXAMINER
AUGUSTINE, NICHOLAS

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2179	

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04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2007</u>.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen.

As for independent claim 1, Chen teaches an image processing system (310, col.3, line

54) for correlating still picture data with video data (col.4, lines 17-19), comprising: a

video display section (520) for reproducing and displaying the video data on a screen

(col.5, lines 41-42); a picture display section (540) for reproducing and displaying the

still picture data on the screen (col.5, line 61) <u>wherein the still picture data is extracted</u>

<u>from the video data</u> (Col.4, lines 26-39; Col.6, lines 1-32; and Col.7, lines 26-27);

; a designation section for accepting an instruction from a user to designate the still

picture displayed on the screen (532 and col.6, lines 12-13); and a correlation section

for, upon the instruction entered by the user during the reproduction of the video data,

correlating the designated still picture data with a reproduction time position in the video

data (col.6, lines 12-18).

)

As for independent claim 2, Chen teaches an image processing system for correlating

still picture data with video data, comprising: (note the analysis of claim 1)

a registered client including a video display section for reproducing and displaying the

video data on a screen (fig.5 and col.3, line 1), *a picture display section for reproducing*

and displaying the still picture data on the screen wherein the still picture data is

extracted from the video data (Col.4, lines 26-39; Col.6, lines 1-32; and Col.7, lines 26-

27); *a designation section for accepting an instruction from a user to designate the still*

picture displayed on the screen, and a correlation section for, upon the instruction

entered by the user during the reproduction of the video data, correlating the designated

still pictured at a with are production time position in the video data (note the analysis of

claim 1); and a distribution server for holding the video data and the still picture data

that are correlated with each other, and in accordance with a request from a browsing

client, providing the video data and the still picture data (fig.3, 110 and col.4, lines 40-

48).

As for dependent claim 3, Chen teaches an image processing system according to

claim 2, wherein the distribution server (110) distributes, to the browsing client,

correlation data (330) for video data and still picture data, and provides the still picture

data requested by the browsing client (col.4, lines 17-19 and 40-48).

As for independent claim 4, Chen teaches *an interface for a correlation process in*

which, in accordance with an instruction from a user entered during the reproduction of

video data, still picture data that are designated by the user is correlated with a

reproduction time position in the video data, the interface comprising: a video display

section for reproducing the video data and displaying the obtained video picture; and a

picture display section for reproducing the still picture data and the obtained still picture,

wherein the still picture data is extracted from the video data (Col.4, lines 26-39; Col.6,

lines 1-32; and Col.7, lines 26-27); *the video display section and a picture display*

section are provided on the same screen (note the analysis of claim 1 above).

As for independent claim 5, Chen teaches *an image processing method for correlating*

still picture data with video data, comprising the steps of: reproducing and displaying the

video data on a screen, and reproducing and displaying the still picture data on the

screen wherein the still picture data is extracted from the video data (Col.4, lines 26-39;

Col.6, lines 1-32; and Col.7, lines 26-27); *and in accordance with an instruction entered*

by a user during the reproduction of the video data to designate a still picture,

correlating the corresponding still picture data with a reproduction time position in the

video data (note the analysis of claim 1 above).

As for independent claim 6, Chen teaches an image processing method for registering

still picture data in correlation with video data to a distribution server that provides the

video data and the still picture data upon the reception of a request from a browsing

client, the image processing method (col.4, lines 26-39 and col.3, line 1) comprising the

steps of: reproducing and displaying video data on a screen, and reproducing and

displaying still picture data on the screen (fig.5) wherein the still picture data is extracted

from the video data (Col.4, lines 26-39; Col.6, lines 1-32; and Col.7, lines 26-27);

correlating a corresponding still picture data with a reproduction time position in the video data (fig.7), in accordance with an instruction entered by a user during the reproduction of the video data to designate the still picture (col.6, lines 12-31); and registering the video data and the still picture data together with correlation data to the distribution server (fig.3, 110, 330).

As for dependent claim 7, Chen teaches the image processing method according to claim 6, wherein the correlation data is a program (340, col.3, line 1) for requesting the distribution server predetermined still picture data in accordance with the reproduction time position in video data (col.6, lines 12-18 and fig.7), in accordance with a request from a browsing client (col.3, line 1), the distribution server provides video data and the program for the browsing client, and the browsing client executes the program as the video data are reproduced (col.4, lines 32-39 and col.3, line 4), and requests the distribution server still picture data that are correlated with the reproduction time position (col.6, lines 12-31).

As for independent claim 8, Chen teaches a program that permits a computer (fig.2) to perform an image process for correlating still picture data with video data (col.3, lines 1-4), comprising: displaying a still picture on a screen (fig.5) wherein the still picture data is extracted from the video data (Col.4, lines 26-39; Col.6, lines 1-32; and Col.7, lines 26-27); accepting an instruction from a user to designate a still picture during the reproduction of the video data accepts (col.6, lines 12-18), and correlating the

corresponding still picture data with a reproduction time position in the video data (fig.7, col.6, lines 24-29).

Response to Arguments

Applicant's arguments filed 02/06/2007 have been fully considered but they are not persuasive.

- *Applicant argues that Chen et al. does not teach still picture data is extracted from video data (page 6 of amendment).*

- Examiner disagrees along the lines of three reasons:

- **Reason A**: Chen teaches of a data file wherein information is extracted in such that picture data relating to exact video segments are extracted from. This picture data is in direct correlation of the video data by means of time dependency for organization, structure and efficient to the system and end users.

- **Reason B**: Of course there is another argument and point to be addressed on the same issue in such that it is arguable that the slide show presented by Chen (510, of figure 5), being that the definition of video, movie is defined as a plurality of pictures moving across time dependent.structure it is arguable to call a slide show in the same realm of a video wherein we are presented with frames

that change across a time dependent nature. Chen discloses

extracted frames (542) as well as there time information (544;

rendered as a frame number), which is in direct correlation to the

video data (slide show).

- **Reason C**: Relating back to reason A in the arguments Chen

  discloses picture data in the form of advertisements which relates

  to the movie, video data being played, these advertisements are

  time dependent of the video segments playing thus a direct

  correlation of picture data being extracted from video data.

The reasoning can be found with supporting evidence from the reference of Chen in the

following areas (Col.4, lines 26-39; Col.6, lines 1-32; and Col.7, lines 26-27).

Also note that:

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art

references and any interpretation of the references should not be considered to be

limiting in any way. A reference is relevant for all it contains and may be relied upon for

all that it would have reasonably suggested to one having ordinary skill in the art. In re

Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re

Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
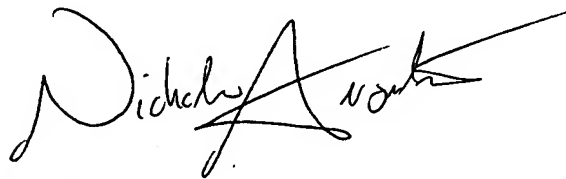
Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
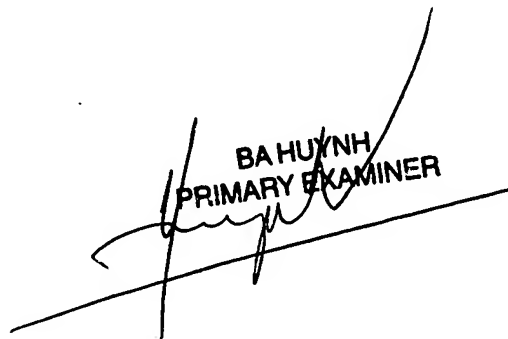
Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Augustine
Examiner
2179

N. Augustine
April 22, 2007

BA HUYNH
PRIMARY EXAMINER